

REMARKS

In the Office Action, claims 1-43 were rejected. Reconsideration and allowance of all pending claims are requested.

Claim Objections

Applicants thank the Examiner for correcting the informalities due to misnumbering of claims and have noted the renumbering of claims 26-43. The claim dependencies arising from the misnumbering have also been adjusted in the claim listing provided with this response. Should a formal amendment in accordance with 37 C.F.R. §1.121 be required, Applicants invite the Examiner to so indicate.

Rejections Under 35 U.S.C. § 103

Claims 1-7, 14-20, 22-28 and 35-43 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Siegel (U.S. Patent No. 6,920,874, hereinafter, "Siegel") in view of Morton (U.S. Patent No. 6,349,716, hereinafter, "Morton"). Claims 8, 9, 11-13, 21, 29, 30, and 32-34 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Siegel in view of Morton, and further in view of Wang et al. (U.S. Patent No. 5,236,595, hereinafter "Wang"). Claims 10 and 31 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Siegel in view of Morton in view of Wang, and further in view of Jensen (U.S. Patent No. 6,521,859, hereinafter "Jensen").

Applicants respectfully submit that the primary reference of Siegel would qualify as a prior art only under 35 U.S.C. § 102(e). The 102(e) date of Siegel is its date of filing, March 1, 2004. The date of filing of Applicants' application is March 29, 2004.

Applicants respectfully submit that the 102 (e) date of the Siegel reference, i.e. March 1, 2004, is not prior to the date of invention by the Applicants. Applicants provide herewith Declarations of inventors Patil and Najewicz to support this

assertion, as well as evidence that demonstrates that the date of invention was at least as early as February 9, 2004, prior to the 102(e) date of Siegel.

The evidence consists of slides from a February 9, 2004 presentation made internally at General Electric Company by the inventors. It clearly shows photographs and test data of the claimed invention. As of that date, then, the invention had been actually built and tested (i.e., actually reduced to practice).

Because the Siegel reference does not satisfy the requirements of 35 U.S.C. § 102(e), it cannot therefore form a basis for a 35 U.S.C. § 103 rejection.

In view of the foregoing, the Applicants respectfully request withdrawal of all 103 rejections and request allowance of claims 1-43.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 9/25/2006

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